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1835

MR. BARNARD's ORATION,

DELIVERED AT ALBANY,

ON THE

FOURTH OF JULY, 1835.





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O R A T I O N,
DELIVERED BEFORE
THE HONORABLE THE CORPORATION
AND THE
MILITARY AND CIVIC SOCIETIES
OF
THE CITY OF ALBANY,
ON THE
FOURTH OF JULY, 1835.

BY DANIEL D. BARNARD.

PUBLISHED AT THE REQUEST OF THE COMMITTEE ON THE PART
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ADVERTISEMENT BY THE AUTHOR.

This Oration is offered to the public as it was written ; considerable portions of it having been omitted in the delivery on account of its length.

There are two or three points in this Address which it had been my purpose to have explained and strengthened by elaborate notes in an appendix, as I deemed them points of great and growing interest and importance. But the publication has been pressed, and causes beyond my control have prevented the execution of my design. I can do little more now than state that these points relate chiefly to the true theory of the respective plans of government which are brought into comparison in the course of my remarks, and what really constitutes the difference and distinction between them. It has seemed to me that many illustrious men, and multitudes of honest ones, in this nation, have been misled, by the analogies that are found between certain of the outward forms of the two systems, affording strong temptation, on account of some apparent resemblances, to assimilate things which begin, continue and end in absolute contrast. Popular elections, and the exercise of legislative power by the representatives of the people, are among the analogous forms of proceeding in these diverse organizations. The President too, as the head of the executive branch with us, is naturally compared with the king in whom resides all the fulness of executive power, original, unabated, underived, except that a nominal dependence on the Governor of the universe is decently confessed.

Now there are two very opposite classes of persons and politicians who are injuriously affected in their opinions and conduct by such views of these very opposite plans of go-

vernment. One of these classes learns to be satisfied with our system, if, in practice, it turns out to be only a little less monarchical and aristocratical than that with which it is their pleasure to compare it. The other class learns to be content with nothing short of pushing the practice under our government, in every particular wherein a point of seeming comparison can be found with other governments, to the farthest possible extreme, in order in this way to establish the difference between them. I hold both classes to be equally wrong, and the influence of both as tending equally and manifestly to the destruction of our peculiar organization, and of the liberties and happiness of the American people. And I know of no better, or other way, of correcting so fearful and hazardous a bias in the minds of men and parties, as to bring back public attention, if possible, to the true basis on which our system rests, and to exhibit it in contrast with the true theory of the opposite system, taking care to strip this latter of the disguises which have been artfully thrown around it. This will be found to have been kept in view in this discourse, as far as the proper business of the occasion would allow.

I deem it of the last importance that our experiment should be carried out as it was begun. On the one hand it was never the design of this plan to place the power of the government temporarily or permanently in the hands of individuals or of aristocratical associations beyond the effective control of an intelligent and virtuous community; and on the other, it was never intended that ours should be a government of brute numbers. And whatever person or party favors either of these perversions of our noble system, merits, not reprobation merely, but the deepest execration.

O R A T I O N.

A NATIONAL festival, fellow citizens, is by no means an uncommon thing. But it is an uncommon thing for a nation to celebrate the birth-day and establishment of actual, honest, well regulated, constitutional liberty. This is our case ; and by this is our national festival of *The Fourth of July*, distinguished from that of any other nation now or ever on the earth. And this difference is not inconsiderable. For, other nations, the most favored and the most free, whether on this side of the Atlantic or the opposite, have been content to celebrate events which, after all, were productive of nothing better than partial and temporary relief—where the symptoms have been administered to instead of the disease, which perhaps was all that could be done in the case, and where of course there was alleviation but no cure. Such was the English revolution of 1688. And such was the French revolution of 1830. But such was not the American revolution of 1776.

The event which we have now met to commemorate is without a parallel. It was not the obtaining of a charter—a reluctant grant or concession of rights wrung from the hand of a master ; it was not the sudden relaxation of the iron grasp of oppression ; it was not the receiving of a boon dropt from any man's favor ; it was not the repeal of an obnoxious statute ; it was not the plunge of the steel into the heart of the betrayer, or the fall of the bolt of vengeance on the head of the spoiler ; it was not the decapitation or the expulsion of one tyrant that room might be made for another or for many tyrants ; and finally, it was not the violent casting off of a few burthens of a bad system which had become absolutely intolerable, with intent to keep that system with its remaining evils and make them perpetual. There was a declaration of Independence—the severance of a mighty empire—the birth of a new member in the family of nations. And this was very much—but had this been all—if this new nation had been to take its place beside the others without any radical change in the system of government—in short, if nothing had been done but the renouncing of allegiance to one set of rulers and the swearing of allegiance to another—quite sure I am that I should not be standing here to-day to offer to you my congratulations on the events of the fourth of July 1776. No, my friends—if there was on that day a public declaration that the people of these states, in their political capacity, were and of right ought to be in-

dependent of the crown and authority of Great Britain, there was also the more important declaration that they were and of right ought to be free. If it was then announced that the form of government under which they had lived had become destructive of the proper ends of government, an intention was at the same time intimated to institute a new government, with its powers organized in such a form as should seem to them most likely to effect their safety and happiness. If their purpose was then announced of assuming a separate and equal station among the nations of the earth, they did at the same time announce to the world, as the very point from which the frame of their government should take its rise, a new principle, which, at least for centuries, had not been recognized even as an admitted truth, and which had never been regarded as an indispensable element in the structure of a state—That principle was “that all men are created equal.”

I do not mean to say that this truth itself was then first published to the world. As a natural truth it resulted from the order of creation by which the family of man took descent from a single pair. As a religious truth it was proclaimed by Moses and the Prophets, and authoritatively taught in the mission of Jesus Christ. But as a political truth—as a truth which challenged the homage of every man, and of which every man who was the subject of a social compact might claim the benefit—as a

truth which struck with palsy the right arm of human power over the human subject, by a broad challenge to the various pretences on which that power had been set up and exercised—and above all, as a truth which was to be the corner-stone of a great political edifice, now to be erected for the first time on such a principle—the announcement was new—new in its terms, new in its import, and new in the application that was to be made of it.

It may not ill comport with the object I have in view to dwell for a moment longer on this great characteristic principle of the Declaration—the political equality of all men. This was not a sentiment dictated by any spirit of levelling radicalism. It was not intended thereby to declare that all men are equally great or equally good, any more than that all men are equally tall, equally short, or equally fair ; nor was it intended to affirm that the social state may be dispensed with, or that governments are either useless or necessarily oppressive ; nor that all, the simple and the wise, the evil minded and the virtuous, have an equal right to share in the administration of affairs ; nor that the foundations of society must be broken up, its wealth distributed or spoiled, its relations sundered, and the refinements of life sacrificed. None of these things were meant. But it was intended, by this sentiment to express the terms on which men do, or ought to meet in the formation of a social compact ; that the only condition on which they ought

to treat about the structure of a state is that of perfect *original* equality of rights and privileges among all the members—all agreeing however to impose on themselves such restrictions and conditions in regard to the exercise of their natural rights and privileges, as shall be deemed essential to the safety and well being of the whole community; that the law of the strongest is no longer to be tolerated; that no man, be he priest or king, or by whatever name in the book of political jugglery he may be called, can have an original, natural or hereditary property in another man's person, services or effects; and that all the machinery contrived by his wit or malice for driving forward the vessel of state on the basis of such a claim, however gilded and brilliant that machinery may be, however closely jointed and hinged, however nicely lubricated, and however smooth in operation and effect, is in fraud of rights which will ultimately be vindicated, and contains within itself the most fearful elements, because dependent after all for its propulsive energies, on that sort of physical power which cannot always be managed or controlled—which being too closely pent up and too far heated has sometimes been known to rend the very heavens with a fatal and destructive explosion. These things were among the teachings of this doctrine of equality as announced in the Declaration; and it taught also that as one man cannot have a na-

tural right of property in another man or in any thing which belongs to him, so when the forms of civil government should come to be settled they should be so constructed as to recognize and protect this natural equality, in a manner to consist with the necessary provisions for mutual and universal protection and the preservation of public order and peace. It was the natural and necessary result of this doctrine, that the source of all political authority, of all political honors, and of all political privileges, was at once found in a direction opposite to that to which men had been accustomed to look for these blessings. Before that time, particular individuals, particular families, and certain limited associations, deemed themselves, and were deemed, to be the original, undisputed and exclusive possessors and inheritors of all political power and privilege. The fountain was now opened in a very different quarter. As for freedom, with all the immunities implied in that comprehensive term, men would henceforward regard that as the inalienable gift of the God who created them. And as for power and honors, henceforward these could be exercised and enjoyed, on no pretence whatever, but by warrant of authority from the body of the people—the prevailing collective sense of the wisdom and intelligence of the whole community to be gathered for this purpose in some determinate and duly appointed mode of procedure.

Such, my friends, is that sound doctrine of political equality, contained in the Declaration, as I understand it. And now, for the first time in the flight of earthly years has this principle met with a just and efficient recognition in an established system of human government, by its adoption in the constitution of these states and the constitution of the United States.

The limits of this address will not allow me to shew by any minute analysis and examination, how well this principle is embraced and preserved in our system. It will be seen at once, however, that it is necessarily exclusive, if rightly administered, of every thing in the form of monopoly, and every thing in the guise of peculiar privilege. By giving to the frame of the organization such a design as that its chief purpose and effect shall be to embrace and cover the equal rights of all, there is cut off at once the whole body of abuses which grow out of the unhallowed pretence that governments are not constituted for the benefit of the people, but that the people are created for the benefit of governments. By adopting constitutions, as the written letters of instruction from the mass of the community to those who may be entrusted with the administration of affairs, prescribing with exactness the powers to be employed and the condition and manner of their exercise, an end is put at once to all pretences of original and inherent authority, whether in individuals or in oligarchies,

and demonstration is at the same time made how impossible it is that men should take by charter from a monarch of earth any gift of freedom to which they have not a prior and superior title from the Monarch of Heaven. By establishing a system of official accountability ; by providing for the periodical termination of all official authority ; by popular elections to fill up vacancies from the ranks of the people, in which every citizen having the requisite qualifications, in his intellectual and moral character, and in the ties which bind him to the country, has his equal and effective share ; by this the whole doctrine of legitimate succession is exploded, with all the absurd and abominable pretensions and practices which belong to it. And with the fall of legitimate successions in any country, where the danger of substitution from aristocratical unions is at the same time taken away, falls of necessary consequence that system of burthens, exactions and impositions, the essential badges of arbitrary power wherever exercised, the natural result of the doctrine that men are *not* created equal—a system which recognizes in the sovereign a paramount title to every man's property and the returns of every man's labor in the realm, and which is often employed in gathering up the scanty earnings of honest industry, and the poor reward bestowed on patient toil, throughout the land, to be spent on projects of licentiousness, ambition or revenge, or to be poured into the lap of bloated and luxurious ease.

Thus, if our frame of government, as finally settled in the constitutions of these states and of the union, does in fact embrace and carry out the great leading doctrine of the Declaration to its practical results, as we believe it does, it is impossible not to be struck with the mighty difference between that system and the prevalent systems of government in the world before that day. And this was the great achievement of the Revolution ; and this is the event, the most stupendous, beyond all doubt, in the temporal history of man, which we have met to commemorate ; and such is the occasion and the subject of the American national festival, so sublime, so exalted, so noble, so distinguished from the festive occasions of the other nations of the globe.

And, my friends, it is not to be doubted that a day like this must have its peculiar and appropriate business, which is not to be disregarded by one who occupies the position which has been assigned to me in the ceremonies of its observance. The day belongs first to our fathers, and afterwards to us. It may be improved to our profit, but it is consecrated to their glory. We may enjoy our inheritance, but we must not rob them of theirs. And, I confess, it seems to me by no means difficult so to conduct our meditations, during the time allotted for this exercise, that both objects shall be embraced, if not accomplished. In doing this indeed, we cannot choose but walk over well-trodden ground. Yet, for my part, I

console myself with reflecting that I am addressing myself to Americans—to the children of the sons of Liberty, and that no such heart can listen, though it were for the thousandth time, to the simple story of the sufferings and struggles of his ancestors in their state of colonial dependence; that no such heart can recur, though for the thousandth time, to the scenes on which they have left the immortal stamp of their greatness and prowess and virtue; or can hear repeated, though for the thousandth time, the names of the statesmen, the heroes and the battle-fields of their times; that no American heart can do this without warming at once into involuntary and irrepressible enthusiasm.

I prefer, therefore to adopt the good old fashioned mode of address, used in times past on these occasions, and to carry my own mind and yours as much as possible back to the contemplation of the events—now beginning to grow old—of colonial and revolutionary times. In this contemplation, it is my purpose to take the opportunity of illustrating, by the examples and the practices afforded by the brief review, the beauties and the blessings of those old forms of government, which prevailed with some modifications every where up to the time of our Revolution, and which continue to prevail every where, out of our own country, with scarcely an exception worth stopping to name.

And I must take leave here to remark too that in conducting a review of the atrocious passages which mark the whole period of our connection with Great Britain, I cannot claim the merit of being affected with any excess of abounding tenderness towards the government and the people as they then existed in the land of our origin. Nor can I learn to handle these passages with any peculiar gentleness of touch or pressure, out of an apprehension that I may, perchance, contribute to revive or perpetuate the enmities which were engendered by them. Those who look for friendship, beyond that of commercial relationship, between two governments so opposite and so irreconcileable with each other, as those of Great Britain and the United States, will wait long for the coming of the promise and the confirmation of their faith. Their ways are not as our ways. I speak of the government and of the body of the British nation which support it. They may not choose to quarrel with us because they may have learned already that it would not be for their interest; but they do not love us. They will buy with us, sell with us, talk with us, walk with us, and so following—and this will a Jew do with a Christian; perhaps they may eat with us, drink with us, and pray with us, as one christian should with another—but they do not love us; the causes of jealousy lie too deep, and for aught I can see can never be removed while they adhere to their political organization, and we adhere to ours. I know there were British hearts in the time of the

Revolution, with too much nobleness of nature not to appreciate the genius, the valor, and the virtue of the men of the Revolution, and the greatness of their cause. I have not forgotten Chatham; I have not forgotten Burke; and I have not forgotten the noble exertions which both these great men made, not in behalf of the colonists, but to prevent the destruction of what they believed to be the British constitution, and to preserve the integrity of the British empire. These men belonged, however, to their own country, and not to our country. They were her champions and not ours; and the success of their counsels and efforts would have been our ruin.

As for Mr. Burke, while he argued with all the vigor of his matchless skill against the ministerial plans of colonial taxation, and rejoiced in the repeal of the Stamp Act as a measure both of wisdom and of justice, yet we must not forget, that he was the apologist and the advocate of a most odious measure of the administration with which he was connected—a measure by which, in the spirit of unaccountable infatuation, the whole merit of the repeal of the Stamp Act was lost in the silly pride of a declaration of parliamentary supremacy over the colonies. It would be amusing if it was not humiliating, to contemplate the mighty Burke, speaking in behalf of this British mother, and proclaiming that though it would be very impolitic, perhaps improper, in her to treat her children over the water with any species of cruelty, yet they must du-

tifully remember, that the venerable old lady has a perfect constitutional right to exercise cruelty and injustice towards them whenever she chooses.

As for Mr. Pitt, before the glories of that name were merged in a title—it was nobly declared by him, that that kingdom “had no right to lay a tax upon the Colonies.” But he was then in opposition ; and certainly some changes did come over the spirit of his constitutional opinions, when, as was quaintly said of him at the time, he sunk into a peerage, and stepping into office as the head of an administration, called to his aid the counsels of some of the bitterest enemies both of himself and the Colonies. Whatever may have been his opinions both before and after the period of his humiliating premiership, and however ardently and eloquently those opinions may have been expressed, yet it should not be forgotten that it was one of the earliest acts of his administration, under the lead too of Grenville—the odious author of the system of colonial taxation by act of parliament—to pass a law—who would believe it if it was not recorded ? Yes, the parliament of Great Britain, controlled by the Earl of Chatham, passes a law—to abolish the legislature of the colony of New-York until that colony should consent under the order of parliament, to make certain provision for the troops of his Britannic majesty, which he had chosen to quarter on the people of that province. Nor ought the Earl of Chatham to be relieved of his share of the distinction so justly earned by the brilliant, witty and

officious Charles Townsend, by his plan—perfected and passed during this administration—“for drawing a revenue from the Colonies without giving them offence ;” a plan which was so eminently successful, that it precipitated the war, and resulted in the severance of the empire which it was intended to preserve.

But it is time to address our minds more directly to the consideration of those events which ought to occupy a large share of our thoughts on this day. I have referred to the distinction in principle and in fact, amounting indeed to broad contrast, between our political organization, and the prevalent political organizations of the other nations of the earth. I desire also to have it noted as we pass, that of the old systems, at the date of our revolution, not one would compare, for liberality and freedom, with the actual government of Great Britain. To say nothing of the oriental despotisms, in no part of Europe were the people deemed to be in the possession of the most common and ordinary rights of humanity, except in England and its dependencies. And yet a recurrence to facts will show how little of the true doctrine of liberty was recognized even by the British government, and how strong and striking is the actual contrast between their system and that under which we have the happiness to live. We shall see what is the difference between English freedom and American freedom ; and we shall see this by taking a view of the political condition of the Americans while they were the subjects of the British crown.

As political equality—an equality of rights in all things relating to life, liberty, property, and the pursuit of happiness, with the governed and not the governors recognized as the fountain of all authority, was the basis of our system, so the very reverse of this proposition was the basis of the English system. Down even to the time of the late reform bill, no subject of England ever dreamed of insisting on the existence of a political right, except by virtue of a charter, or of something in the nature of a charter. And what are charters? Royal grants of specified privileges—as a jailor might say to the miserable tenant of one of his dungeons, come out of that wretched cell; of my clemency I grant you the liberty of the prison grounds for one hour every day. This is a royal charter; and these charters are of the essence of the British constitution, excluding, in their very terms, every idea of a claim of right on the part of the subject, and substituting for such right a boon, as from a superior to an inferior, as from one who is rich to those who are poor in the gifts of nature and freedom, to be held on the uncertain and precarious tenure of the sovereign's good will and pleasure. This has been the extent—no more—of all the freedom which Englishmen have actually enjoyed since the great day of Runnymede. From that day the English people have claimed the privilege of granting away their own money to the sovereign, whenever he should demand it, because king John gave them leave to do so. They have claimed the privilege of having justice administered to them without the ceremony

of bribing the judges, because John consented and agreed they should so have it. They have claimed the privilege of relief from unjust and arbitrary imprisonments and of trial by jury, on the word and promise of John. Happy, thrice happy people of England—fortunate and favored, above your fellows,—in that God created John, and put it into his heart to bestow on you the gift of freedom ! To this it is doubtless owing, that although John died and was buried, yet the liberties of England have been preserved and perpetuated—preserved too, amid perils by the house of Plantagenet, and perils by the house of Tudor, and perils by the house of Stuart, and perils finally, by the committing of public authority to earthen vessels of German importation.

And now my friends we are prepared to see how much of real freedom belonged to our fathers, while they remained the subjects of the British crown. And it is evident in the outset, that, so long as that connection continued, they must take their liberties, more or less, on the condition imposed on all the subjects of England—under charters. The highest notion of liberty to which England had attained, was that of liberty by charter ; and the colonists of course, very well knew, that the highest order of liberty to be expected from England by them, was liberty by charter. Hence the anxieties and controversies, the hopes and the apprehensions excited among them by the subject of their charters.

The Colonies, it will be remembered, were not all in like condition with respect to their governments. In some there were governments, under royal charters, granting certain authority and powers directly to the people. Thus was Massachusetts situated until her charter was taken away. In others, there were governments under the original proprietors, to whom the crown had been pleased to grant the property, with charters conferring on them the power to establish the governments. Such was the government of Maryland under Lord Baltimore. In others, the governments were conducted by the viceroys of the king, with such a share exercised by the people as the sovereign saw fit to allow. Such was the government of the colony of New-York from the time when the Duke of York ascended the throne of England.

From the beginning, there was a common and natural anxiety among the colonists to hedge themselves in from too much royal inspection, by special charters. Massachusetts obtained a charter from Charles I. within a year of the date of its patent from the proprietors. Plymouth, although having her own free constitution, framed on board the May-Flower, before the colonists touched the land, yet earnestly but in vain sought to obtain a charter. Connecticut and New-Haven, Providence and Rhode-Island governed themselves, as self constituted republics, for twenty-five years, and then took their charters—some of these plantations having despatched a special agent to the king for

the purpose. Such was the anxiety of the colonists to secure themselves in this mode against unlimited and arbitrary power. And whenever special charters were not obtained, they insisted nevertheless, as they did to the last, on the common rights of English subjects ; and claimed, as beyond all doubt they had a right to do, in common with Englishmen every where, the broad protecting shield of the charter of Runnymede. It would have been strange indeed, if, while the British throne was found to be high enough and broad enough to overshadow the Pilgrims in their far distant assylum in the wilderness, *magna charta* should have been discovered to be a parchment of such narrow dimensions that it could not be made to cover an inch of territory beyond the island of Great Britain. At all events, the colonists were not the men to submit to such constructions. They covered themselves at all points as well as they could for the day of their battles. As far as they were able they caused themselves to be clothed with special corporate powers, well aware that if these should fail them, they could then fall back upon their reserved rights as Englishmen under the general constitution of the kingdom. We shall soon see how much value ought to be placed on that sort of freedom which depends for security on royal charters.

It would have been something to boast of, if when the king had once made a solemn grant of political privileges, the constitution and the law had forbid the assumption of those powers. But directly the

contrary was the fact, at least so far as public corporations were concerned ; and nothing was necessary therefore, but to liken the Colonies which had received charters, to the case of city and borough corporations in England, and the power of absolute and complete control was established in the king, as effectually as though the farce of endowment by charters had never been attempted—and whatever the king might not find it convenient to do, in the premises, in person, the courts would accomplish on the motion of the king's Attorney General. Hence we find that within five years, after Charles had granted his charter to Massachusetts, constituting that colony a complete republic, with authority to the freemen to elect their officers, the governor included, he unceremoniously puts the Prelate Laud with others in commission over all the New-England Colonies, with power to make and unmake governors, revoke privileges and liberties, and generally to do in the premises whatsoever should seem good in the eyes of their wisdom and purity. Accident alone made this a barren sceptre in the hands of the commissioners. They formed a splendid scheme of administration. The charter of Massachusetts was to have been cancelled—the whole territory of New-England was to have been divided into twelve lordships, and allotted in severalty to twelve of the original patentees of the English Plymouth Company, to whom the freemen should be tributary for their lands. A governor-general was to have been appointed, and a new city built as the seat of the empire. Within thirty

years of this period, no less than three other attempts were made, under similar commissions, to arrest the Colonies in the exercise of their undoubted privileges. These having failed, the second Charles, shortly after, took the franchises of the Massachusetts Colony into his own possession, through the forms of a judicial proceeding. Other proceedings of a similar character against Connecticut and Rhode-Island, followed on the accession of James II. to the throne, and nothing remained to complete the subjugation of the whole of New-England, but the presence of Sir Edmond Andross as governor-general. His oppressions and atrocities were only ended by his violent arrest and imprisonment, and by the English Revolution of 1688, and the expulsion of his tyrant master from the throne of his ancestors.

This event, the revolution, so much boasted in England, certainly was the occasion of temporary relief to the Colonies. But its real value to the cause of freedom here—whatever it might have been elsewhere—was not very considerable. The new king, William, found reasons for delaying to grant to Massachusetts the benefit of a new charter for three years; it was finally granted only as a fit occasion and means of compelling that colony to surrender a portion of its ancient privileges; and before his reign was ended, a strong effort was made, by a bill in parliament, utterly to abolish the charters of all the Colonies at a single blow, and to reduce them to the state of mere de-

pendencies on the crown. This latter example, by the way, was not lost on his German successor. A similar attempt was made in the very beginning of the reign of the first George. And if these benevolent attempts were not successful, it was not because these sovereigns, or their advisers, entertained any doubt about the power of the crown or the parliament to withdraw the light of the king's favor opened on their subjects through the medium of charters, whenever it should be deemed fit and convenient to do so.

The statements now made are enough to shew of how little worth was that liberty which flowed to British subjects from royal colonial charters. But the colonists, as I have already intimated, had another royal title to freedom which they were never backward in asserting. Wherever colonial or proprietary charters had not been granted at all, or had been withdrawn, the colonists still claimed the benefits of *magna charta* and of the constitution. Among the most important rights of Englishmen, held by this tenure, was the right to participate in the legislative power, so far at least, as that power was employed in the regulation of internal government, and especially in the raising of supplies and revenue. In England, this right had come to be tolerably secure, from the terrible examples of vengeance with which its violations had been visited. And it was just the want of such examples in the Colonies, which emboldened the worthy representatives of the monarch here,

openly to proclaim that the people of the colonies enjoyed no immunities which did not flow from the mere grace and will of the crown. It will be seen however, that this genuine doctrine of royalty, however insisted on, did not deter the colonists from setting up their claims and actually exercising the right, through their representatives in the colonial legislatures, wherever they were not prevented or interrupted by tyranny or force. The colony of New-York will afford us as good an example for illustration as any other. The people at large in this colony never enjoyed the doubtful blessing of a special charter. The government was first proprietary, and afterwards royal—both, from the surrender by the Dutch until 1688, under that prince of tyrants, James II.; and for twenty years after it became an English colony, the colonists were not allowed the slightest share in the government. The first English governor was the sole and unassisted fountain of all law and of all justice. The second condescended to take the advice of his council, and actually called to his assistance a few justices of the peace—and under both, taxes were not only levied, but actually laid through the instrumentality of their sheriffs and constables. The notorious Andross succeeded, and signalized himself as usual. He interposed in a controversy of ecclesiastical jurisdiction belonging to the Consistory of the Dutch Church at Albany, and arbitrarily imprisoned a magistrate of the town. He controlled the court of assize by presiding in it in person; he obtained supplies from

the people by forced benevolences ; and he enlarged his master's revenue from quit-rents, by compelling the inhabitants to take new grants for lands already patented to them by his predecessors.

These proceedings had thrown the colonists into a ferment, which manifested itself in an especial manner on Long Island. And as the next governor, Colonel Dongan, on his arrival in 1683, happened to land in the midst of the malcontents on the eastern end of the Island, he was induced, evidently after taking counsel of his fears, to promise that laws and taxes should be imposed for the future, only by a general assembly. For the first time in October of that year, an assembly of delegates from the people actually met at New-York. But it was soon found that the power of the people was merely nominal, and no legislative act under this administration, has been deemed of sufficient authority to be preserved and admitted to a place in the body of our colonial laws.

The first time the people of this Colony were admitted to any substantial participation in the legislative power, was in 1691, and even then the house of assembly was not organized without the exclusion of the two Quaker members elected from the county of Queens. At this time the so called glorious revolution had been accomplished in England, and English freedom had been established on the firm basis of one tyrant expelled and another imported. The Prince of Orange was on

the throne ; and Henry Sloughter—poor and avaricious, weak and licentious, a man who performed the most awful function of human authority, the signing of death-warrants, while, as his historian says, “ his excellency’s reason was drowned in his cups”—Henry Sloughter ruled over their majesties’ province of New-York. But, in spite of discouragements, this first effective legislative assembly of the Colony, of immortal memory, put forth its resolves and doctrines of freedom with the most deliberate and unbending boldness. This body numbered among its members a Graham, a Van Cortland, a Kipp, a Beekman, and a Van Schaick. These were the men, and their associates, who were among the first to give a legislative form to an American bill of rights. They proposed an act, declaring what were the rights and privileges of the colonists, and that act passed into a law. Amongst other things it, in effect, affirmed the right of the people to be represented in assembly, and repudiated the notion that their enjoyment of this right depended on the grace of the crown. This was strong and offensive matter for the digestive organs of William, especially as there was no doubt some remaining irritation from the contents of the chalice in which he had been obliged to pledge the English nation at the time of his accession. He succeeded, however, in keeping down the draught for five years, when his bile rose, and he rejected the whole potion.

But it was not the abstract right only which was

disputed ; there was a constant effort to narrow down the actual popular share in the legislative business of the country, and to make it as little available to the people as possible. And from the time I have referred to thence forward, the annals of this colony are filled with the struggles of the people to preserve their property and their freedom—such as it was—from the rapacity and the tyranny of their royal governors. Truth to say, these worthy representatives of the parent government were found faithful in their vocation ; and in their dealings with the colonial legislatures, not having the fear of expulsion, nor the fear of the block, nor the fear of God before their eyes ; there was no example of insolence or intolerance left them by the Charleses and the Jameses of England, of which they did not contrive to better the instruction. The people might elect their members of assembly ; but the governor claimed the right of neglecting or refusing to call them together for just as long a period as he thought proper. The fitting time in his judgment, of course, might never arrive, unless he could be compelled by some state necessity. To effect this object the people insisted that no money should be raised for the public service, but through their representatives in assembly. So far the point was carried ; and when the exigencies of the state, or the private necessities of the executive, which were always urgent—for among these officials there was more than one Cornbury, “hunted out of England by a host of hungry creditors”—whenever these exigencies and

necessities became pressing, and arbitrary exactions began to be fruitless, or were discovered to be hazardous, then it was that a consent might be obtained to call together the assembly. Once in session, this body generally took the precaution, before they would enter on the business of the supplies, to do themselves and their constituents some justice, by passing acts for the correction of abuses in the administration, and for the security of their common rights. To acts of this description, the titled and famishing beggars at the head of the government were often compelled to yield their assent. But they had a way of escape in reserve. The supplies once obtained, the governor had nothing to do but to dismiss the assembly forthwith, and send home to England any obnoxious laws which might have been passed with his consent but against his will, to undergo capital execution there by the veto of the king.

But there were other methods still, of overruling the effective power of the people in the administration of their affairs. When the assemblies came to the subject of the supplies, it was a favorite point with the governors to insist that a permanent system should be adopted and the supplies granted, at the least, for a series of years. If this point was carried, the hated presence of an assembly might be dispensed with, and the commander be left for a considerable time to tread the decks alone, in all the pride and insolence of power. But if this project failed, it was easy to take what-

ever the assembly should give, and then dismiss the members to their homes. The point of attack would now be changed. The old body of legislators being disposed of by proclamation, the proper writs are issued for a new election. The first thing now to be done is, that the governor either in person, as Fletcher of this colony was accustomed to do, or by his retainers, as others practised, should take the field at the elections. Bearing a smile about the lips, and a cloud on the brow ; carrying a bribe in one hand and a scourge in the other ; surrounded by a multitude who are rejoicing in the beams, direct or reflected, of royal favor ; and followed at a little distance, by other groups, who are pressing forward to share in the sunshine, under the firm conviction, that there is a sensible chilliness of the atmosphere in the shades of private life, quite prejudicial to their delicate constitutions—under such circumstances and with such appliances, he goes forth to meet the electors, and of course not without considerable, though it may fall short of complete success. Having done all that authority and corruption can accomplish here, his next step is to call the new members together and make trial of their tempers. If a majority, ready to betray the people and serve the king, have not been already secured, a judicious and gentle application of offices and rewards will probably prove quite efficacious ; for experience has unfortunately shewn, that in nearly every considerable body of men there may always be found here and there one of such tender sensibilities as to be utterly incapa-

ble of holding out against such delicate attentions. Having at last succeeded in finding an assembly fitted to his purpose, the governor may now laugh at the people, and bid them defiance. No assembly can be dissolved without his proclamation or dismission ; and no new election can be held without his order. The people are excluded. Power, unlimited and unchecked, settles in the person of the governor ; and the very forms of freedom, in some degree preserved, are made to stand as buttresses for the support of a gloomy despotism.

But I must forbear to pursue this point ; for I am admonished that it will soon be time for me to begin to think of relieving your patience. And yet, fellow citizens, it is impossible not to feel how little justice can be done to our theme, and how little to the occasion of our meeting, within the brief space to which this exercise must be confined.— Nothing truly has ever so oppressed me, as the difficulty of selection and of condensation, in my preparation for this occasion—to select from materials where the metals are all gold and the stones all sapphire ; and to condense and chain down thoughts by the feeble instrumentality of language, which crowd the mind and swell the heart to the very point of bursting. Will you bear with me then, my friends, while I pursue my general subject so far at least, as to utter some things which cannot be wholly omitted at this time, without a species of treason to the day of independence and the cause of human freedom.

In all my references thus far to our colonial history, it has been my object to shew how little real security there is for the liberties of the people in the most liberal and favorable of those systems of government which prevailed every where previous to our revolution. I do not allow that the colonists, because situated at a distance, were exposed to greater oppressions than the subjects of the same government who were seated under the shadow of the throne at home, for any other reason than that their rulers dared to deal with them in a manner in which they did not dare to deal with the others. On the contrary it seems to me, that the people of England and the people of America have both been obliged "to bide their time"; and that what the inhabitants of the British Island suffered in their day, and what the American colonists endured in theirs, was only the legitimate fruits of the system of government to which they were both subjected. The British monarchs subsequent to the Stuarts have been naturally cautious about trying experiments on their people at home. One king a fugitive, and another wanting his fair proportions by a head, of the race which had immediately preceded their own, were spectacles to cool their ardor, and cause some sensible abatement in their demands. But the system remained and still remains. The king is still king by the Grace of God, and therefore the people are free by the Grace of the king.* This is the theory, talk as they will about the rights of Englishmen; and by how much better than this the prac-

* Note A.

tice is, by so much are the people gainers from having succeeded in shifting the securities they held, from the king's word of promise and clemency on to the king's fears and apprehensions. And here is the secret of just the difference between their condition and what was the condition of the colonists. Until 1688, there was no very great amount of difference between them. After that, it was the difference between a cautious government at home and a fearless, reckless government here—a government here, which would not be convinced of the hazards of their game—of the possibility of resistance—until the proofs were exhibited in blood.

I think I am justified therefore in attributing the evils which the Colonies suffered at the hands of the British government, not so much to any mal-administration, as to the very genius of the government itself. According to this system the people are in some sort the property of the sovereign. For his pleasure they were and are created. Doubtless of all sensations in the human heart the most grateful is that of feeling power. This first necessity of tyrants is supplied by an obedient and submissive people. And the next most important use of the people undoubtedly is that of furnishing from the store-house of their means and their industry, whatever may be required to satisfy the need, and to gratify the passions and the pride of their masters.

The British constitution, begotten, no body can tell how, between the king and the people, after being

hunted through the mazes of royal charters, acts of grace, books of irreconcilable precedents, bills of rights, and statutes of parliament, here a little and there a little, if found at all, is discovered to be a thing so strangely put together, of such doubtful complexion, and of such a double aspect, that it is difficult to determine which of the parties its features favor most. Now it looks like oppression, and now it looks like protection. At one moment its nurses can discover some distinct traces of resemblance to Liberty, at the next it is clearly the very child of Despotism.

The great point in dispute, as you all very well know, between the parent country and the colonies ; that which brought on the war ending in total separation, was whether the Parliament had a constitutional right to tax the Colonies without their free consent in their own local legislatures. About this there was great disagreement among the English doctors—some of whom were so perplexed that they disagreed with themselves. Sir William Jones declared in the most positive manner against the right. But Edmund Burke was so clear in favor of it that he joined in the passage of a declaratory law to that effect. The great William Pitt uttered his solemn conviction that it was unconstitutional for Parliament to lay a tax on the Colonies ; but the same great man found it perfectly constitutional for Parliament to issue a peremptory order to a colonial assembly to lay a specific tax on the Colony, for furnishing “ salt, vinegar, cider and beer” for the comfort of

his majesty's troops quartered on the province, and in case of refusal, he found it also perfectly constitutional for Parliament to abolish the colonial legislature, until the order should be complied with.

Now there is, in England, but one only mode of determining all disputes about what is constitutional and what is not. Whatever measure is adopted, for the time being, by the king, or by king lords and commons, and acquiesced in by the nation, that is constitutional—and the nation is to be deemed to have acquiesced if it do not break out into open rebellion, or at the least carry on its resistance with so high a hand as to compel the king, or the king lords and commons, to recede. Bearing this in mind, we have nothing to do, but to run our thoughts over the tract of our colonial annals, to satisfy ourselves that there is no species of fraud or of oppression, of wrong or of violence, of insolence or of despotism, which may not be inflicted on its subjects, by the government of England acting in the very spirit of its constitution.

Pursuing this suggestion, we are brought to contemplate the condition of men, driven by persecution and intolerance to forsake homes of cultivation, refinement and endearment, and seek their rest in a far distant wilderness, voluntarily surrounding themselves with a neighborhood of ferocious savages. Abandoned by those who should have been their protectors, they give them-

selves up to the guidance of God, and, under him, rely on themselves and their own resources. But it is only for a season that they escape the notice and the care of their guardians. The constitutional power of England, which first expelled them from the land of their fathers, now follows to seek them out in their new abode, to challenge their allegiance, and reduce them to submission. The farce of granting charters is acted over. It is constitutional to give them ; it is constitutional to take them away. It is constitutional to govern with them ; it is equally constitutional to govern without them.

But in spite of discouragement and difficulty, the colonies begin to put on the port and vigor of maturity ; and as they are the property of the mother country, she must take care to make them useful to herself. For this purpose it is constitutional in her to publish orders and pass acts to regulate their trade, and restrain their manufactures. As customs paid in England are a source of revenue to the king, the colonists are not to export any thing to any country which is not first landed in England and discharged of its tribute money there. And as the resources of the king will always be increased by increasing the ability of his subjects in England to pay, the colonists shall contribute to that ability. Their distant commerce shall be carried on only in ships built in England. If they would have wine, oil and spirits from Portugal, they must receive them through a merchant in

England, that he may fatten on the commissions. They may trap the beaver, which abound in their country, but they shall send the fur to England to be made into hats for their use. They may dig and smelt the ore so abundant in their soil, but the iron shall be sent to England to be converted into implements, even the most common, for their necessities. All this is constitutional. Nobody doubts it—at least in England.

And other things are constitutional. England has a host of high-born and noble paupers, and it is her duty to provide for these. In the exercise of her constitutional authority she remits these leeches to her Colonies, to bear sway, and gorge themselves on her subjects there. England too has her convict-thieves, depredators, and robbers, and she finds it perfectly constitutional to transport them to her American colonies, and plant them there in companionship with her American subjects.

But the constitutional power of England displays itself in other forms. War has been the pastime of kings from the beginning. From the time when the Prince of Orange was called to the throne down to within twelve years of the breaking out of our Revolution, a period of seventy-five years, there were five general wars in Europe, occupying nearly fifty out of the seventy-five years, in all of which England was a party. These were wars of succession, wars of ambition, wars of jealousy, wars of

rivalship ; wars involving the affairs of kings and princes only, and in which the people had no concern—except to fight the battles, to bear the expenses and to endure the horrors. In one of these wars, England, with the aid of the Americans, conquered the Canadas. In another, she acquired a monopoly for supplying the Spanish settlements with negroes for thirty years. In the others she gained nothing. But what was the condition of her Colonies during these wars ? Spain, her enemy, had possessions on one side of them ; France, her enemy, had possessions on the other. Around them and pressing closely upon them, was a savage population, treacherous, merciless, implacable, greedy of spoil, and ravenous for blood. Spain fed the malice of these demons in the South. France kindled their rage in the North and West. The work of death and desolation began. There was the knife for the scalp, the hatchet for the brain, the brand for the dwelling, and the stake and the fag-got for the victim. The aged, the infirm, the defenceless ; the mother, and her infant born and unborn—these were the objects of attack ; and nothing was heard of but burnings, and butcheries, and tortures, and captivities. During the whole period of seventy-five years just referred to, the colonists had scarcely an interval of actual or unapprehensive quiet ; and no quarter of the country was exempt from murderous incursions. The awful tempest of blood and fire which fell on Schenectady in the first of these wars, was repeated on the settle-

ments about Casco, and on Deerfield and Haverhill, and Roanoke, in the next. Then came the wars in which the Spaniards themselves in one quarter, and the French themselves in another, took a chief part, though still aided by the Indians ; and it were endless to recount how the Americans acted and suffered in them all. Suffice it, that the kings of England engaged in these wars in the exercise of a constitutional authority which was never disputed—no matter though the inevitable consequence was to involve their American Colonies in a series of calamities and distresses too horrible for thought or endurance. The last of these wars to which I have referred, that of 1756, was indeed brought on in consequence of French encroachments on the American possessions of the king of England. The chief points of direct encroachment were at Nova-Scotia, on the Ohio River, and on our own northern and western frontiers. With Nova-Scotia, the colonists had no other concern than such as they had, being subjects of the British king, with his possessions in Germany. The other encroachments concerned them more nearly—but then the constitutional power of the parent government had been exercised in a way which led to these very encroachments, and produced that awful train of sufferings, exertions and sacrifices which fell, in consequence, on the ill-fated Colonies.—Early in the reign of the first George, it was proposed, from Virginia to the government at home, that a purchase of land should be made from the Indians on the Ohio and a settlement planted there,

which at the time might have been easily accomplished, and which would have defeated the designs of the French, even then well understood, and given security to the border settlements of the states in that quarter. But, besides that the government found it always politic and constitutional to confine their American Colonies as far as possible to the sea-board, on account of the convenience of bringing her naval and military persuasives to bear on any spirit of disobedience which might manifest itself among them ; besides this, it so happened that the apprehensions and ambition of the new king furnished him, about that time, with reasons of state for keeping well with the court of France ; and hence it became entirely constitutional for his ministers to discourage all attempts to interrupt the French in their design on the Ohio ; and even to allow them, shortly after, without a word of remonstrance or of disapprobation, but on the contrary by connivance and tacit consent, to enter on the territory of his majesty's province of New-York, and there to erect a fort—that of Crown Point—and plant their batteries almost within ear-shot of the peaceful dwellings of his faithful subjects of that colony. This very conduct of the king and his advisers opened the way to an attempt to establish a long projected connection; by military posts and papal stations, between the French possessions on the great River of the north, and the French possessions on the great River of the south—by which the English Colonies would have been enclosed and penned up for easy

destruction on a kind of narrow isthmus, between a wall, stretching from the gulf of St. Lawrence to the gulf of Mexico, planted with cannon, and guarded by the bayonet and scalping knife on the one side, and the ocean with an extended, exposed and indefensible coast on the other. It was this constitutional conduct of the sovereign, who claimed the allegiance of the colonists, opening the way to so much exposure and to so much imminent danger, which led to the celebrated convention held at Albany in 1754, and to the formation by that convention of a plan of union for the mutual defence and security of the Colonies. That union was acknowledged by the paternal government to be indispensable to their safety—Yet, at such a moment, with the cloud fully charged and the bolt just ready to fall on their defenceless heads, at such a moment did this humane government, in the exercise of its constitutional authority, forbid that projected union, except on the condition that the colonists should then, in the day of their extremity, yield to it the right to impose taxes on them by act of Parliament ! These infamous terms were of course indignantly rejected, to the immortal honor of the colonists ; and nothing was left for them to do but to make the best preparation they were able for the bloody conflict which could no longer be delayed. Long before war was actually declared between France and England, it became necessary to put on the armor and light the torch in this region. In 1755, the Baron Dieskau with a heavy force, was sweeping from the north down

on the place where we are now assembled, with intent to wrap this city in flames. No less than six thousand provincials assembled at Albany, and marched out to give the enemy battle, whom they defeated with signal slaughter on the banks of Lake George. This afforded temporary relief; but the war was to be prosecuted. In the next year, therefore, twenty-one thousand provincial troops were ready for service; but it was constitutional for the government to place the command in incompetent hands, and nothing was accomplished. In the next, as little was done, except that the miserable Earl of Loudon, having drawn off his main forces from the proper defences of the country for a bootless expedition to Halifax, left an army, chiefly of provincials, to be surrendered to the enemy at Fort William Henry, and then given up to an indiscriminate massacre by their Indian allies.* In the next year, the command was transferred from Loudon to Abercrombie, to give to this new general an opportunity to sacrifice two thousand lives, every one as valuable as his own, in a rash and hopeless assault on Ticonderoga. In the next year, happily, the tide of war turned under better auspices, and Canada fell. But it was yet four years before it was found convenient or practicable for the king of England to make peace with his enemy the king of France—during all which period the colonists, especially at the south, did not escape the perils of a state of war—and when at last the subject of peace came to be agitated,

* Note B.

it was seriously and anxiously debated in England whether the interest of the government did not require that Canada should be again yielded up to France, to serve again in her hands, with the help of the Indians and the emissaries of the Pope, as a salutary check on the too rapid and dangerous growth and expansion of colonial population and power ! Doubtless it would have been perfectly constitutional to have done so.

But, finally, the peace of 1763 was concluded, and the government of England was left free to follow its inclinations in the exercise of new constitutional powers over the Colonies. Scarcely was the war ended, when the king, feeling the pressure of burthens from the conflicts which he and his predecessors had sustained with their continental neighbors for three-quarters of a century nearly in succession, resolved to rob his Colonies for relief.

The more effectually to prevent any freedom in their trade and to secure its benefits to England, the government first determined on a rigorous enforcement of its navigation acts. The masters of vessels were commissioned as custom-house officers, to seize and bring in for condemnation all vessels and cargoes of a suspected character ; and to make the condemnation quite secure, the right to try the questions at issue by a jury was taken away, and jurisdiction committed exclusively to a judiciary of the king's appointment, whose powers were enlarged expressly to meet the case. Then came

the Stamp Act striking at the legal validity of written contracts which had not paid tribute to the king. Then came the Declaratory Law affirming the right of taxation ; and then came the commentary on that declaration in the shape of a duty—madly persevered in—on tea. Following the resistance which these constitutional proceedings met with, came the act to shut up a Harbour which God and the ocean had opened ; the act to subject the people of Massachusetts to a corrupt and pensioned judiciary ; the act to exempt the king's servants in that colony from trial and withdraw them to England for protection ; the act to abolish the legislature of New-York ; and finally the act to starve New-England into submission by interrupting their fisheries.

But enough was not yet done, and the constitutional resources of England are not easily exhausted. British troops are now poured into the Colonies. The affair of Lexington follows, and eight American citizens are murdered at the first fire. Charlestown is wrapped in flames ; and American blood is spilled like water at Bunker's Hill. All this is but the beginning of that constitutional argument which, by the space of seven years, the military barristers of the court of England were instructed to address to America to persuade her to submit to taxation and plunder at the instance and pleasure of the king and parliament of Great Britain. This argument was continued in every possible form which could suggest itself to those

skilled in this kind of casuistry ; and so animated and enlivened was it throughout, and so full of characteristic episode by the burning of towns, villas and cottages, by cold-blooded murders, by shameless violations, and by the torturing, poisoning and starvation of prisoners, that one is led irresistibly to the conclusion that those by whom it was conducted had received their latest and most effective lessons from the examples and practice of the unhumanized wretches with whom they were associated, and who are known to take their chief delight in cruelty and blood. It may safely be affirmed that in no civilized age or country had war been carried on with such ruthless and gratuitous barbarity. Whatever may have been the character of this contest before the Declaration of Independence, after that and from that moment, it was a war waged by one independent nation on another independent nation for the purpose of conquest. Yet the British still affected to treat the resistance of the Americans as a rebellion ; and on this pretence, there was no mischief and no cruelty which they did not feel at liberty to practice. The very commencement of the campaign of 1776, was marked with atrocities. Soon after the taking of New-York, nearly one-third of that city was burned down. It was pretended by the enemy that the fire was kindled by Americans ; and a British historian of the period relates that many individuals, on a bare and unsupported suspicion, of course without trial, without proof, and without any opportunity

for defence, were unceremoniously and inhumanly precipitated into the flames which was consuming their dwellings. In no case did there seem to be any disposition to soften the asperities and rigors of war; on the contrary every opportunity was taken to aggravate its horrors. This was manifested on the very first movements of the combined army after the landing of his majesty's German mercenaries at Long Island. The familiar journal of an Englishman, now just published, alluding to these movements, coolly relates that on surprising some American out-posts, "the men were all put to death with the bayonet." A near relative of my own, and an eye witness to the retreat of the American army from Long Island on that memorable occasion, has often related to me a scene of horror which occurred in the morning after General Washington had effected his wonderful escape and the transit of his troops from Long Island to the city of New-York. It will be recollect that this escape was effected in the night, and so silent and complete was it, that out of an army of 9,000 men, who were in their lines at night-fall, within six hundred yards of an enemy more than double their number, not a soldier remained, to the great surprize and mortification of the enemy, when the morning disclosed the place of their encampment. After all the troops had been transported, a party of Americans, not in any wise attached to the army, and unarmed, volunteered to bring over some stores and property of inconsiderable value which had remained. It happened that while the last

boat's company which had ventured on this enterprise were employed in completing their lading, the dense fog, which till that moment had rested on the East river, was suddenly lifted up like a curtain, by which they were exposed to a party of the disappointed and enraged enemy. They met the fate of the men who had been surprised at the American out-posts. Every man was put to death with the bayonet—all were murdered, though on their knees, and begging for quarter with cries which rent the air, and could not be heard without a thrill of horror.

And what gives to this war its most awful character is that nearly all its cruelties were deliberately and systematically practised. Such was the refusal to give quarter wherever it was deemed safe to refuse, and the consequent murders committed in cold blood; such was the treatment of our prisoners—too horrible even for belief if the facts were not so well authenticated; and such was the destruction of towns and settlements by fire, especially in the memorable campaign of 1777. The Americans were informed by public proclamation from the highest authority, that “the existence of a single habitation on their defenceless coasts ought to be a constant reproof to their ingratitude.” And truly this generous enemy took care not to leave to the inhabitants of Esopus, and Fairfield, and Greenfield, and Norwalk, a single standing monument of that ingratitude which he so much deprecated !

But it were useless, even if our time was not already too far spent, to dwell on those scenes, so familiar to every American ear and heart. They stand as everlasting monuments between England and America ; to cover the one with shame, and to crown the other with glory. The light which beams on our beloved country from Trenton and Saratoga, and Yorktown, and many an other well-fought field, can never fade. The brightness of the names of Warren, and Washington, and Green, and a host of others, which are hung up as particular stars in her firmament, can never grow dim.

But her chief glory, that which shines the brightest, and will endure the longest, was the achievement of the **FOURTH OF JULY, 1776.** Then it was that she effected the memorable transition from a state of colonial dependence to the condition of a free and independent sovereignty. Taking her station in the family of nations, she threw down the gauntlet, and bid the world defiance. She stood alone in the strength of her new and distinctive principles and of her cause, and presented her rocky breast to the impotent rage of the billow and the storm. From that moment, having stept without the circle of parental authority, she stood on firm ground of her own, holding England and her people, as the rest of the world, “enemies in war, in peace friends.” The wand of the enchantress was broken ; the spell of her constitutional witcheries was dissolved ; America was free !

It remains only, my friends and fellow-citizens, that we should remember that we are the children of the men who set up a new standard of freedom and civil government in the earth ; that this was done at the cost of sacrifices too vast for computation ; and that to us has been committed the responsible charge of carrying forward the experiment which they began. As the new system has stood for half a century and more, so, for aught that is vicious or defective in itself, it may stand for centuries on centuries, and as long as time and the earth shall endure. It has its foundations in the eternal principles of truth and of right ; yet it may fail ; it may even break down in our keeping ; and it will if we ourselves shall become recreant to those principles—wanting the virtue and the purity, and the intelligence, and the faithfulness, and the integrity of our fathers. Let us hope at least that no such calamity shall befall in our day. Let us make this day the occasion for renewing in our own names, in behalf of our common country, that same solemn pledge which our fathers gave in support of the same glorious cause—the pledge of “our lives, our fortunes and our sacred honor.” Here, as on a common altar and before our common God, let us unitedly swear, that the Republic shall receive no detriment at our hands : that it shall live, by His blessing, while we live ; and that our children shall receive it from us as we received it from our Sires, undimmed in purity, undiminished in lustre, great, happy, glorious and free !

N O T E S.

NOTE A.

It is true that in England it is usual to regard the liberties of the people as resting *in contract* between the king and them. "Breaking the original contract" was deemed good cause for expelling James II.; that is, it was deemed good cause of war. Admitting the contract, what equality is there between the contracting parties, and what are its sanctions, and the remedies for its violations? The king promises to abate so much of his *prerogative*, and to *allow* so much freedom; and on these conditions the people agree to be his obedient subjects—such is the equality between the contractors. The agreement has no sanction but the *honor* and *interest* of the promiser; and if violated, the remedy is not in the constitution, but beyond it—in *war*.

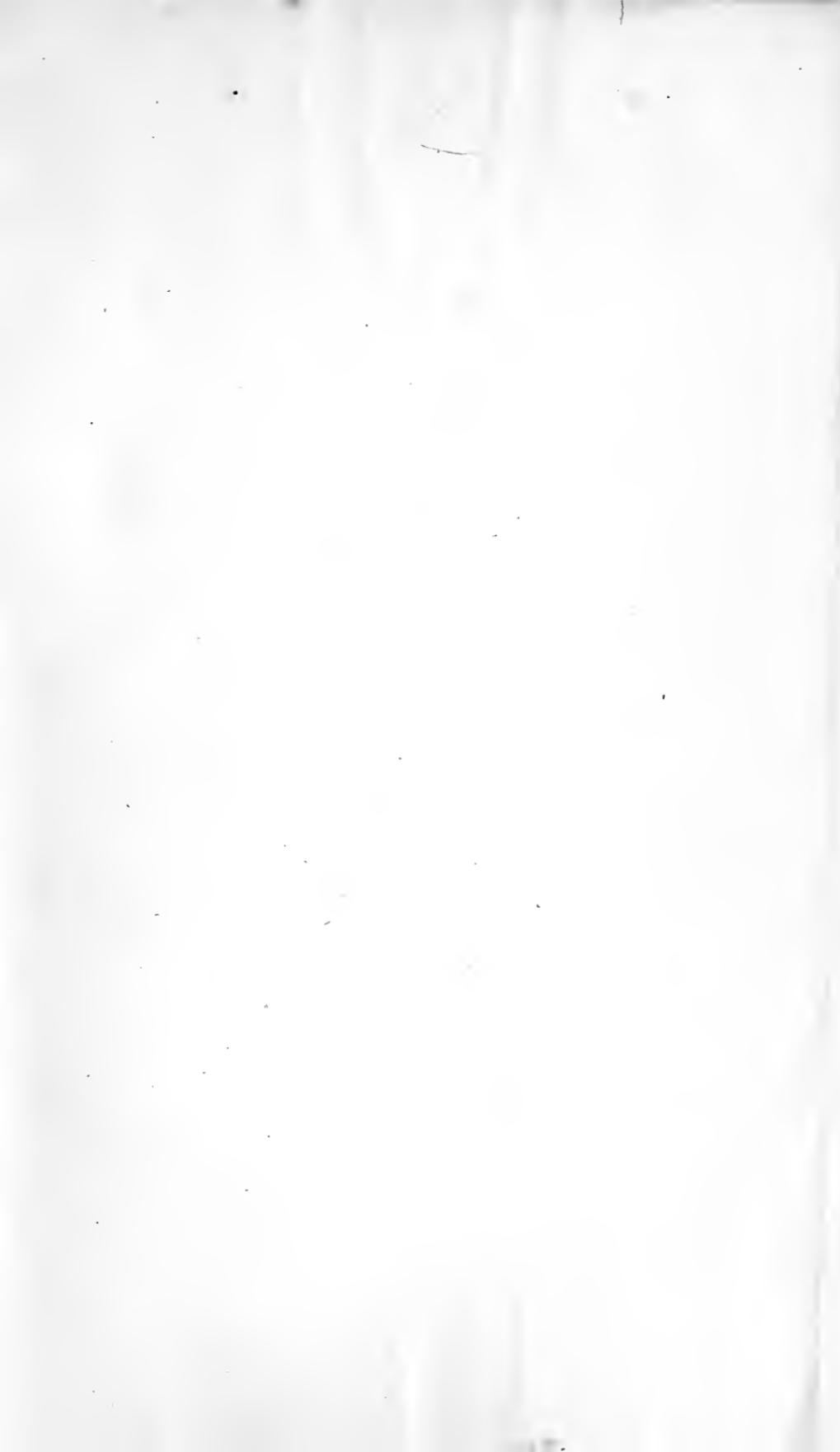
NOTE B.

Major Rogers, an American partisan officer in this war, states in his "Journal," published in 1765, that his brother had died of small-pox at Fort William Henry a few days before the surrender; and that after the conquest, the body was dug up and the scalp taken by the Indians. This could not have been done from the mere lust of blood. The scalps were doubtless paid for. Maj. Rogers learned, through a prisoner, that the Indians themselves, in a state of alarm, "greatly blamed the French for encouraging them" in their barbarous practices.

ERRATUM.

Page 4, line 14 from top—"as" should read "*than*."









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